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10/651,685

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EXAMINER

YOO, JASSON H

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/651,685

Applicant(s)

WEBB ET AL.

Examiner

Jasson Yoo

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/23/06, 6/19/06, 2/7/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 38 objected to because of the following informalities: Claim 38 has been claimed twice. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 9-13, 15-21, 24, 27, 30-37, 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Vancura (US 6,033,307).

Vancura discloses the following:

1. A gaming device comprising (col. 5:1-12):  
a game wagerable upon by a player (200 in Figs. 2 and 3);  
a plurality of reels (55 in Figs. 1 and 5) including a plurality of symbols (86 in Figs. 1 and 5) in said game, said symbols including at least one award symbol (value award symbols col. 6:6-10), at least one positive modifier symbol (positive modifiers can be added or multiplied, cols. 6:6-10, 12:33-37) and at least one negative modifier symbol (col. 14:14-41 and Fig. 5);

a triggering event based on at least said award symbol and said positive modifier symbol displayed simultaneously on the reels (the award symbols and modifiers triggers the accumulation of the winnings, steps 260, 280, 290 in Fig. 2 and 310 in Fig. 3); and

an award adapted to be provided to the player in said game, wherein the award is associated with the award symbol and modified by a designated number of positive modifiers associated with any displayed positive modifier symbol and a designated number of negative modifiers associated with any displayed negative modifier symbol (col. 14:21-23).

2. The gaming device of claim 1, wherein the positive modifier includes at least one of the following: a positive value, a positive multiplier and a positive percentage of the award (cols. 6:6-10, 12:33-37).

3. The gaming device of claim 1, wherein the negative modifier includes at least one of the following: a negative value and a negative percentage of the award (col. 14:14-41).

4. The gaming device of claim 1, wherein a probability of being selected is associated with each of the positive and negative modifiers (probability based on the symbols provided on the reels, cols. 10:31-67, 12:46-57).

5. The gaming device of claim 1, wherein at least one relatively large positive modifier and a plurality of relatively small positive modifiers are associated with the positive modifier symbol (e.g. small positive modifier can be #3 and large modifier can be #15, col. 10:54).

7. The gaming device of claim 1, wherein at least one relatively large negative modifier and a plurality of relatively small negative modifiers are associated with the negative modifier symbol (i.e. -1 and -10, col. 14:25).

9. The gaming device of claim 1, wherein the plurality of reels include a plurality of independent reels (each reel 86 spin independently, Fig. 1).

10. The gaming device of claim 1, wherein the triggering event occurs on a payline associated with the reels (the triggering event to provide the awards occurs on the payline 65 associated with reels 86 in Fig. 1).

11. The gaming device of claim 1, wherein the triggering event occurs on a plurality of paylines associated with the reels (triggering event to provide the awards to the player occurs on the paylines 65 and 60 in Fig. 1).

12. The gaming device of claim 1, wherein the award associated with the award symbol is randomly determined (symbols are randomly determined by the spinning reels 86 in Fig. 1).

13. The gaming device of claim 1, wherein the award associated with the award symbol is predetermined (col. 7:29-34).

15. The gaming device of claim 1, wherein the designated number of positive modifiers and the designated number of negative modifiers for each symbol are randomly determined (positive modifiers and negative modifiers are randomly determined by the spinning reels 86 in Fig. 5).

16. The gaming device of claim 15, wherein each of the positive modifiers and each of the negative modifiers includes a randomly determined value (positive modifiers and negative modifiers are randomly determined by the spinning reels 86 in Fig. 5).

17. The gaming device of claim 15, wherein each of the positive modifiers and each of the negative modifiers includes a pre-determined value (the symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

18. The gaming device of claim 1, wherein the designated number of positive modifiers and the designated number of negative modifiers are pre-determined (the

number of symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

19. The gaming device of claim 18, wherein each of the positive modifiers and each of the negative modifiers includes a randomly determined value (positive modifiers and negative modifiers are randomly determined by the spinning reels 86 in Fig. 5).

20. The gaming device of claim 18, wherein each of the positive modifiers and each of the negative modifiers includes a pre-determined value (the number of symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

21. The gaming device of claim 18, wherein the triggering event occurs when at least one award symbol, at least one positive modifier symbol and at least one negative modifier symbol occur on the reels (Fig. 5).

24. A method of operating a gaming device having a game operable upon a wager, the method comprising:

(a) activating a plurality of reels (250 in Figs. 2 and 3) including a plurality of symbols, said symbols including at least one award symbol, at least one positive modifier symbol (positive modifiers can be added or multiplied, cols. 6:6-10, 12:33-37) and at least one negative modifier symbol (col. 14:14-41 and Fig. 5);

(b) initiating a bonus game including a bonus award when at least said award symbol and said positive modifier symbol occur on the reels (when the reels are activated, the bonus game is initiated, 250 in Figs. 2 and 3);

(c) modifying the bonus award with a designated number of negative modifiers associated with each negative modifier symbol occurring on the reels (col. 14:17-23, Fig. 5);

(d) modifying the bonus award with a designated number of positive modifiers associated with each positive modifier symbol occurring on the reels (col. 14:17-23, Fig. 5); and

(e) providing the modified bonus award to a player (280 in Figs. 2 and 3).

27. The method of claim 24, which includes associating a probability of being selected with each of the negative and positive modifiers (probability based on the symbols provided on the reels, cols. 10:31-67, 12:46-57).

30. The method of claim 24, which includes randomly determining the designated number of positive modifiers and the designated number of negative modifiers (the number of positive modifier symbols and negative modifier symbols is randomly determined by the spinning reels 86 in Fig. 1).



31. The method of claim 30, which includes associating a randomly determined value with each of the positive modifiers and each of the negative modifiers (the value of the symbols is randomly determined by the spinning reel 86 in Fig. 1).

32. The method of claim 30, which includes associating a pre-determined value with each of the positive modifiers and each of the negative modifiers (the symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

33. The method of claim 24, which includes pre-determining the designated number of positive modifiers and the designated number of negative modifiers (the number of symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

34. The method of claim 33, which includes associating a randomly determined value with each of the positive modifiers and each of the negative modifiers (positive modifiers and negative modifiers are randomly determined by the spinning reels 86 in Fig. 5).

35. The method of claim 33, which includes associating a pre-determined value with each of the positive modifiers and each of the negative modifiers (the number of symbols are pre-determined, when the symbols are added onto the reels 86 in Fig. 5, col. 12:46-57).

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36. The method of claim 24, wherein initiating the bonus game includes initiating the bonus game when at least one award symbol, at least one positive modifier symbol and at least one negative modifier symbol occur on the reels (bonus game can be reinitiated until a lose symbol appears, col. 5:36-49).

37. The method of claim 24, wherein the steps (a) to (e) are provided to the player through a data network (cols. 5:1-5, 5:8-13).

39. The method of claim 24, which includes a different number of positive and negative symbols (number of symbols vary, cols. 10:31-67, 12:46-57).

40. The method of claim 24, which includes a plurality of award symbols (i.e. col. 10:54).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 8, 14, 22, 23, 25, 26, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 6,033,307).

Vancura discloses a gaming device comprising a plurality of reels (55 in Figs. 1 and 5) including a plurality of symbols (86 in Figs. 1 and 5), said symbols including at least one positive modifier symbol (modifiers can be added or multiplied, cols. 6:6-10, 12:33-37) and at least one negative modifier symbol (col. 14:14-41 and Fig. 5); an award adapted to be provided to a player (230 in Figs. 2 and 3) as discussed used above. However, Vancura fails to specifically teach the following:

6. The probability associated with the relatively large positive modifier is less than the at least one of the probabilities associated with the plurality of relatively small positive modifiers.

8. The probability associated with the relatively large negative modifier is less than the plurality of probabilities associated with the plurality of relatively small negative modifiers.

14. The average value of the modifiers applied to the award is greater than zero.

22. The average value of the positive and negative modifiers is greater than zero, wherein the award is modified by the positive and negative modifiers.

23. The average value of the positive and negative modifiers in a plurality of the spins of the reels is approximately zero.

25. The bonus award include modifying the bonus award with the designated number of negative modifiers associated with each negative modifier symbol occurring on the reels before modifying the bonus award with the designated number of positive modifiers associated with each positive modifier symbol occurring on the reels.

26. The bonus award include modifying the bonus award with the designated number of negative modifiers associated with each negative modifier symbol occurring on the reels after modifying the bonus award with the designated number of positive modifiers associated with each positive modifier symbol occurring on the reels.

28. The method of claim 24, wherein the average value of the positive and negative modifiers is approximately zero.

29. The method of claim 24, wherein the average value of the positive and negative modifiers is greater than zero.

Nevertheless, the average value of the symbols and the probability of selecting a particular symbol is a design choice. Vancura specifically teaches the probability of obtaining a specific combination and the number of award values and modifiers is design choice allows the game designer to change player's winnings and game plays to the game designer's preference (cols. 1:35-62, col. 7:14-34, 10:56-67, 12:46-53). For example, the game designer may changing the probability of obtaining a specific combination and the number of award values and modifiers in order to provide more playing time with less awards, or less playing time with greater awards. Therefore it would have been obvious to one of ordinary skilled in the art, at the time the invention was made to modify Vancura's gaming machine and incorporate the average value of the symbols and the probability of selecting a particular symbol, in order adjust the playing time and the award winnings to the gaming operator's preference.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 6,033,307), in view of Kelly (US 5,816,918).

Vancura discloses the game is played through a network, but fails to specifically teach the network is an Internet. However, in an analogous art to gaming apparatuses and gaming environments, Kelly teaches a gaming apparatus configured for play over a global network (the Internet and Worldwide Web). Playing over a global network offers the player to play games from a remote server or other source (col. 2:44-47). It also allows players to compete or otherwise interact in a game with hundreds or even thousands of other players who are also connected to the Internet (col. 2:47-49). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vancura's method of playing a game of chance and incorporate the configuration for play over the Internet, in order to allow players to play an interactive game at various locations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

A handwritten signature in black ink, appearing to read 'Corbett B. Coburn', with a long horizontal flourish extending to the right.

**CORBETT B. COBURN  
PRIMARY EXAMINER**